REMARKS

I. Introduction

In response to the Office Action dated November 3, 2005, Applicants have amended claims 1, 4, 9, and 13 to more particularly point out and distinctly claim the subject matter of the invention. Claims 3 has been canceled. No new matter has been added.

Applicants appreciate the Examiner's allowance of claims 5 – 8. In view of the foregoing amendments and the following remarks, Applicants respectfully submit that all pending claims are now in condition for allowance.

II. Claim Rejections Under 35 U.S.C. § 102

Claims 1 – 4 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,236,214 to Camp. Applicants traverse this rejection for at least the following reasons.

Claim 1, as amended, recites a cellular mobile phone wherein the control unit has the function of calculating the available time for the cellular mobile phone based on the magnitude of the battery's current which is required in accordance with a radio-wave intensity. Claim 4 recites a similar feature. At least this feature is not disclosed by Camp.

Camp appears to disclose a method for determining the capacity in a battery-powered communication device based on the battery temperature and charging voltage/current. However, Camp does not disclose calculating available battery time based on the magnitude of the battery's current which is required in accordance with a radio-wave receiving intensity.

The Examiner alleges that Camp discloses a microprocessor 22 that calculates remaining available time based on discharging rate/current at step 226 and counts superframes of the radio wave receiving condition in steps 240/226. The Examiner equates this with determining the

magnitude of the battery's current required in accordance with the radio-wave receiving intensity. Apparently, Camp calculates available battery time based on the battery discharge rate. This discharge rate depends on whether the phone is in a "talk" mode or a "standby" mode. At step 226, the number of superframes in standby mode are counted and the number of superframes in talk mode are counted at step 240. This information is used to calculate the remaining talk and standby time, and the amount of battery capacity remaining based on talk and standby calculations. Clearly, Camp does not teach or even suggest determining the magnitude of the current needed in accordance with radio-wave receiving intensity.

As noted above, the present invention determines the amount of current needed based in part on a radio-wave receiving intensity. As depicted in Figure 7, both radio-wave intensity and mode are used to determine the amount of current necessary (*see, e.g.*, Specification at page 9, lines 5 – 16).

Thus, as anticipation under 35 U.S.C. § 102 requires that each element of the claim in issue be found, either expressly described or under principles of inherency, in a single prior art reference, *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 USPQ 781 (Fed. Cir. 1983), and at a minimum, Camp fails to disclose a cellular mobile phone wherein the control unit has the function of calculating the available time for the cellular mobile phone based on the magnitude of the battery's current which is required in accordance with a radio-wave intensity, it is clear that the cited references do not anticipate claims 1 and 4, or any claim dependent thereon.

For the foregoing reasons, it is respectfully submitted that claims 1 - 4 are patentable over the cited reference.

III. Claim Rejections Under 35 U.S.C. § 103

Claims 9 and 13 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Camp in view of U.S. Patent No. 6,710,578 to Sklovsky. Claim 10 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Camp in view of Sklovsky and further in view of U.S. Patent No. 6,758,786 to Gold. Claim 11 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Camp in view of Sklovsky and further in view of U.S. Patent No. 6,693,996 to Mansfield. Claim 12 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Camp in view of Sklovsky and further in view of U.S. Patent Publication No. 2003/0023673 to Tso. Applicants traverse these rejections for at least the following reasons.

Claims 9 - 13 depend from one of independent claims 1, 4, 5, and 8. Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co., 819 F.2d at 1100, 1108 (Fed. Cir. 1987).* Accordingly, as claims 1, 4, 5, and 8 are patentable for the reasons set forth above, and because none of the cited secondary references make up for the deficiencies of Camp described above, it is respectfully submitted that all claims dependent thereon are also in condition for allowance.

IV. Conclusion

Accordingly, it is urged that the application is in condition for allowance, an indication of which is respectfully solicited.

If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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